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 ACTION DRL-09

INFO	LOG-00	AF-01	AMAD-01	ARA-01	CIAE-00	SMEC-00	OASY-00
	ANHR-01	EAP-01	EUR-01	OIGO-01	TEDE-00	INR-00	IO-16
	L-01	ADS-00	NEA-01	NSAE-00	OIC-02	OIG-04	SR-00
	SA-01	PRM-10	/051W				

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O 040231Z NOV 94
 FM USMISSION USUN NEW YORK
 TO AMEMBASSY KIGALI IMMEDIATE
 SECSTATE WASHDC IMMEDIATE 0391
 INFO AMEMBASSY THE HAGUE IMMEDIATE
 AMEMBASSY DAR ES SALAAM
 AMEMBASSY KINSHASA
 AMEMBASSY BUJUMBURA
 AMEMBASSY KAMPALA
 JOINT STAFF WASHDC
 SECDEF WASHDC
 USCINCEUR VAIHINGEN GE
 WHITEHOUSE WASHDC
 UN SECURITY COUNCIL COLLECTIVE
 AMEMBASSY NAIROBI
 AMEMBASSY ADDIS ABABA
 USMISSION GENEVA
 AMEMBASSY BRUSSELS

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DEPT FOR G - LJOYCE; L - MMATHESON; AF - A/S MOOSE
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 WHITEHOUSE PASS TO NSC FOR RICE AND STEINBERG;

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: JOHN L MILLS
 DATE/CASE ID: 17 SEP 2008 200103014

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JOINT STAFF FOR CHAIRMAN, DIR JS, J3;
SECDEF FOR OSD/ISA

E.O.12356: DECL:OADR
TAGS: PHUM, PREL, PREF, AORC, RW, UN
SUBJECT: RWANDA WAR CRIMES TRIBUNAL - MEETING OF
CO-SPONSORS

1. (CONFIDENTIAL - ENTIRE TEXT.)
2. SUMMARY: AT A MEETING OF CO-SPONSORS (FRANCE, NEW
ZEALAND, RUSSIA, SPAIN, US, UK) IT AGREED TO PRESS
RESOLUTION TO A VOTE ON MONDAY IRRESPECTIVE OF RWANDAN
POSITION AND THAT NO CHANGES WOULD BE MADE IN TEXT OF
RESOLUTION OR STATUTE UNLESS RWANDA INDICATED ONE OR
ANOTHER MINOR COSMETIC CHANGE WOULD ENABLE THEM TO VOTE
YES ON THE RESOLUTION. IT ALSO AGREED THAT IDEA OF
RWANDAN NON-PARTICIPATION SHOULD BE EXPLAINED TO AMB.
MANZI. END SUMMARY.
3. USUN CONVENED MEETING OF CO-SPONSORS AM 11/3 TO
EXCHANGE VIEWS ON SITUATION AND CONFIRM AGREEMENT OF
CO-SPONSORS TO (A) TRY TO CONVINCE RWANDA TO VOTE IN
FAVOR OR NOT PARTICIPATE AND (B) IN ANY EVENT TO VOTE ON
THE RESOLUTION ON MONDAY NOVEMBER 7.
4. NEW ZEALAND URGED CONSIDERATION OF A NUMBER OF
CHANGES TO THE RESOLUTION AND STATUTE WHICH THEY HOPED
MIGHT HELP BRING RWANDA AROUND (COPY FAXED MATHESEN/L).
CHANGES DEALT WITH DATE FOR COMMENCEMENT OF TEMPORAL
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JURISDICTION, NUMBER OF JUDGES, SEAT OF THE TRIBUNAL,
ARTICLES 3 (CRIMES AGAINST HUMANITY) AND 4 (WAR CRIMES),
ARTICLES 26 AND 27 ON IMPRISONMENT AND PARDONS.

5. NONE OF THE OTHER CO-SPONSORS FAVORED MAKING ANY
CHANGES UNLESS RWANDANS INDICATED SOME COSMETIC CHANGES
IN RESOLUTION ABOUT WILLINGNESS TO CONSIDER APPOINTING
ADDITIONAL JUDGES OR NON-SUBSTANTIVE DRAFTING CHANGES IN
ARTICLE 4 WOULD BE SUFFICIENT TO PRODUCE A YES VOTE.
RUSSIANS AND FRENCH INDICATED THAT THEY WOULD CONSIDER

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SUCH A REDRAFT OF ARTICLE 4 BUT WOULD NOT COMMIT IN ADVANCE TO ACCEPTING SUCH A CHANGE. COMMENT: SUCH A CHANGE WOULD HAVE NO EFFECT ON SUBSTANTIVE JURISDICTION OF TRIBUNAL AND IF, AS SEEMS UNLIKELY, RWANDANS WERE TO INDICATE THIS CHANGE WOULD ENABLE THEM TO VOTE IN FAVOR WE ASSUME ALL THE CO-SPONSORS WOULD AGREE. END COMMENT.

6. IT WAS FURTHER AGREED AMONG THE CO-SPONSORS THAT WE WOULD ALL MEET WITH RWANDAN AMBASSADOR PM 11/4 TO INFORM HIM OF THE INTENTION TO HAVE THE RESOLUTION ACTED UPON BY THE COUNCIL ON 11/7 AND EXPRESS THE HOPE RWANDA WILL VOTE YES OR NOT PARTICIPATE IN THE DECISION.

7. IN THE MEETING OF CO-SPONSORS FRANCE AND RUSSIA TOOK LEAD IN URGING NO FURTHER CHANGES AND NO DELAY BEYOND MONDAY. US SUPPORTED THIS VIEW STRONGLY AS DID SPAIN. NEW ZEALAND CLEARLY WAS PREPARED TO CONTINUE BIDDING AGAINST OURSELVES WITH MINOR AND MEDIUM-SIZED CHANGES IN EFFORT TO MOLLIFY RWANDA BUT WENT ALONG WITH PREFERENCE OF REST OF CO-SPONSORS.

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8. OTHER NOTEWORTHY DEVELOPMENT WAS ARGENTINE DECISION IN RESPONSE TO SUGGESTION FROM AMB. ALBRIGHT TO JOIN AS CO-SPONSORS.

9. MINIMIZE CONSIDERED.

ALBRIGHT

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